

Message Text

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ORIGIN COA-01

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D/LOS:MR. ESKIN

----- 014768

R 101758Z DEC 74
FM SECSTATE WASHDC
TO AMEMBASSY WARSAW
INFO AMEMBASSY COPENHAGEN

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E.O. 11652: N/A

TAGS: EFIS, ICNAF, PL

SUBJECT: DISCUSSION WITH POLISH MARITIME OFFICIALS

REF: WARSAW 7126

1. US DEL HELD SESSIONS WITH VARIOUS DELS ON ICNAF SUB-
JECTS USUALLY UNTIL ABOUT MIDNIGHT ON EVERY NIGHT EXCEPT
RECEPTION NIGHT FROM SUNDAY UNTIL ICNAF MTG CONCLUDED, AND
AFTER CONCLUSION LATE ON FRIDAY WITH TWO DELS ON BILATERAL
MATTERS. POLES INDICATED SEVERAL TIMES THAT THEY WERE
SATISFIED TO HAVE DISCUSSION AT RECEPTION AND DID NOT SEEK
FURTHER DISCUSSIONS. IF THEY HAD US DEL UNDOUBTEDLY WOULD
HAVE TRIED TO ACCOMMODATE EVEN WITH DIFFICULT SCHEDULE
MENTIONED ABOVE. THEIR VIEW THAT SULLIVAN SAID NOTHING
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OF SUBSTANCE UNDOUBTEDLY REFLECTION THAT THEY NOT HAPPY

WITH WHAT THEY HAVE HEARD REPEATEDLY.

2. EMB MAY INDICATE THAT US PREPARED TO HAVE DISCUSSIONS ON SEVERAL ISSUES WELL IN ADVANCE OF EXPIRATION PRESENT AGREEMENT AS POSSIBLE. SHOULD NOTE FOLLOWING CONSTRAINTS:

A. US FISHERIES OFFICIALS HEAVILY BOOKED WITH VARIOUS BILATERALS, MULTILATERALS, AND PREPARATIONS FOR LOS FROM

NOW UNTIL LOS CONFERENCE RESUMES ON MARCH 17. AFTER LOS ENDS MAY 10 THERE IS REGULAR NEAFC MTG WHICH POLES HEAVILY INVOLVED IN MAY 21-27 AND REGULAR ICNAF MTG WHICH BOTH SIDES HEAVILY INVOLVED IN JUNE 10-21 WITH ICNAF SCIENTIFIC MTGS BEFORE THAT. THUS IT MIGHT EVEN BE NECESSARY TO CONSIDER SLIGHT EXTENSION OF PRESENT AGREEMENT TO PERMIT RENEGOTIATIONS DURING SUMMER. HOWEVER, WE WILLING TO CONSIDER ANY POLISH PROPOSALS ON TIME FOR MTG. WE CANNOT MAKE A PROPOSAL OURSELVES DUE TO CURRENT COMMITMENTS AND SEVERAL PENDING MTGS NOW UNDER DISCUSSION, BUT COULD CONSIDER HOW POLISH SUGGESTIONS MIGHT FIT INTO SCHEDULE. NUMEROUS ALTERNATIVES WOULD HELP. AT SAME TIME WE WOULD APPRECIATE ANY SPECIFIC POLISH PROPOSALS FOR DISCUSSION.

B. WE ARE PREPARED TO DISCUSS REPATRIATION OF POLISH CREWS THROUGH US PORTS IN RENEGOTIATION BUT CAN OFFER NO PROMISES ON OUTCOME AT PRESENT. WE APPRECIATE GENUINENESS OF POLISH CONCERNS ON THIS.

C. PREVIOUS CONSTRAINTS ON WEST COAST MATTERS STILL APPLY. HOWEVER, WE WILL REVIEW MATTER WITH WEST COAST INDUSTRY AS SOON AS THIS CAN BE ARRANGED, BUT THIS WILL TAKE SOME TIME GIVEN ABOVE SCHEDULE.

D. PIETRASZEK RAISED QUESTION OF LANDING POLISH FISH DIRECTLY IN US PORTS. SULLIVAN POINTED OUT THIS ABSOLUTELY PROHIBITED BY US LAW. THIS WOULD APPLY EVEN TO TRANS-SHIPMENT. PIETRASZEK NOTED THAT U.S. LAW APPEARED TO PERMIT TRANS-SHIPMENT AT SEA TO US FLAG CARRIERS WHICH COULD THEN LAND FISH IN US PORTS. SULLIVAN ADMITTED THIS POSSIBLE BUT POINTED OUT IT TYPE OF EMOTIONAL ISSUE TO BE LIMITED OFFICIAL USE

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AVOIDED IN TERMS OF 200 MILE LEGISLATION. MOREOVER, EVERY TIME THIS HAS BEEN ATTEMPTED OR HINTED AT IN PAST IT HAS PROVOKED ATTEMPTS TO CLOSE LOOPHOLE IN LAW, AND IT APPEARS THIS WOULD BE ACCOMPLISHED IF THERE WERE ANY SIGNIFICANT LANDINGS IN THIS WAY. CLIMATE MAY CHANGE AFTER LOS AGREEMENT.

E. WE ARE PREPARED TO DISCUSS POLISH COOPERATION WITH

US FIRMS. HOWEVER, THERE WOULD BE AN ADVERSE REACTION IF FOREIGN CAUGHT FISH UNDERSOLD DOMESTICALLY CAUGHT FISH. IT SHOULD BE SPECIFICALLY NOTED THAT THERE IS PENDING LEGISLATION TO RESTRICT FOREIGN PARTICIPATION IN US FISHERIES INTERESTS (WHICH DEPT OPPOSES). AGAIN, CLIMATE FOR SUCH MATTERS MIGHT BE IMPROVED AFTER LOS AGREEMENT.

F. ARTICLE 5.5 OF PRESENT AGREEMENT PROVIDES FOR BUNKERING UNDER APPLICABLE RULES AND REGULATIONS. SPECIFIC

QUESTIONS COULD BE CONSIDERED.

G. POLISH INDICATION OF WILLINGNESS TO ENFORCEMENT MEASURES, INCLUDING OBSERVERS, IS POSITIVE ELEMENT AND WILL BE HELPFUL IN NEGOTIATIONS.

3. IN SHORT, WE DO APPRECIATE RECENT POLISH COOPERATION ON FISHERIES MATTERS. AT THIS TIME CLIMATE IS MOST UNFAVORABLE FOR FURTHER MAJOR ACTIONS, BUT WE WILLING TO DISCUSS GIVEN SCHEDULE CONSTRAINTS. IT WOULD APPEAR PREFERABLE TO MARK TIME ON BILATERAL MEASURES NOW AND PRESS STRONGLY FOR EARLY LOS AGREEMENT. OPPORTUNITY FOR IMPROVED BILATERAL MEASURES SHOULD BE MUCH GREATER ONCE THAT ACHIEVED.

4. FYI IN VIEW OF STRONG NEW US ENFORCEMENT MEASURES ON CONTINENTAL SHELF FISHERY RESOURCES (CSFR) WHICH NOW IN EFFECT, WE ACTIVELY CONSIDERING ACTION UNDER ARTICLE II TO REVISE PRESENT ARTICLE 2.2A ON LOBSTERS TO BRING IT INTO LINE WITH PRESENT US POLICY. THIS WOULD BE DONE BY EXCHANGE OF NOTES WITHOUT MTG. AS MATTER OF SUBSTANCE THIS SHOULD POSE NO PROBLEM FOR POLES SINCE THEY DO NOT APPEAR TO BE INTERESTED IN CSFR (E.G. LOBSTER AND CRABS) BUT WE LIMITED OFFICIAL USE

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REALIZE POLES MIGHT USE THIS AS OPPORTUNITY TO AGAIN INSIST ON WEST COAST NEGOTIATIONS. THIS WILL BE TAKEN INTO ACCOUNT IN DECISION ON WHETHER TO TAKE ARTICLE II ACTION OR AWAIT NEGOTIATIONS NEXT YEAR. CSFR AS SUCH HOWEVER IS NON-NEGOTIABLE. AT PRESENT TIME US CONSIDERS POLAND TO HAVE PARTIALLY SATISFACTORY AGREEMENT ON CSFR AS RESULT OF ARTICLE 2.2A, ARTICLE 2.1A WHICH LIMITS BOTTOM TRAWLING, AND SOME ICNAF MEASURES WHICH LIMIT BOTTOM TRAWLING WITH EFFECT THAT CSF# CAN NOT BE TAKE INCIDENTALLY. THIS SUBJECTS POLISH F/Vs ON ATLANTIC COAST TO LESS STRINGENT ENFORCEMENT MEASURES THAN F/Vs OF NATIONS WITH NO AGREEMENT. HOWEVER, F/Vs FROM NATIONS WITH FULLY SATISFACTORY AGREEMENTS SUBJECTED TO MINIMAL ENFORCEMENT, AND CHANGE CONTEMPLATED ABOVE WOULD BRING POLAND INTO THIS CATEGORY. EMBASSY COMMENTS REQUESTED.

IF EMBASSY CONSIDERS USEFUL IN CONTEXT PARA 2 ABOVE,
POSSIBILITY THIS CHANGE MAY BE MENTIONED IN EXTREMELY
LOW KEY. END FYI. INGERSOLL

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